

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	File No. EB-03-IH-0555
Milton Goodman)	NAL/Acct. No. 200432080302
)	FCC Account ID No. 0501643234
Notice of Apparent Liability for Forfeiture)	FRN 0009415233
)	

MEMORANDUM OPINION AND ORDER

Adopted: January 14, 2005

Released: January 14, 2005

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this Memorandum Opinion and Order, we grant the request of Milton Goodman to cancel the *Notice of Apparent Liability for Forfeiture* ("NAL") issued against him on September 14, 2004. The NAL proposed a monetary forfeiture in the amount of \$10,000 for Mr. Goodman's apparent failure to respond fully and in writing to a directive of the Enforcement Bureau ("Bureau").¹

II. BACKGROUND

2. On September 14, 2004, the Bureau released the NAL, finding Milton Goodman, an applicant in two Commission narrowband PCS spectrum auctions,² apparently liable for a monetary forfeiture in the amount of \$10,000 for apparently willfully violating a Commission order by failing to respond fully and in writing to a Letter of Inquiry ("LOI") from the Bureau. That LOI had directed Mr. Goodman to provide certain information and documents concerning his participation in these auctions and his communications during the auctions with another applicant in the auctions.³ The NAL found that Mr. Goodman had willfully failed to respond the LOI, in violation of the Bureau's directive to do so.⁴

3. On October 15, 2004, Mr. Goodman responded to the NAL.⁵ He requests that the proposed forfeiture be cancelled and asserts that he is financially unable to pay any forfeiture amount. In support

¹ *Milton Goodman*, Notice of Apparent Liability for Forfeiture, 19 FCC Rcd 18119 (Enf. Bur. 2004) ("*Goodman NAL*").

² The Commission's September 24-26, 2003, Narrowband PCS Spectrum Auction ("Auction No. 50") and the September 24-25, 2003, Regional Narrowband PCS Spectrum Auction ("Auction No. 51").

³ See Letter from William D. Freedman, Deputy Chief, Investigations and Hearings Division of Commission's Enforcement Bureau, to Milton Goodman, dated May 3, 2004.

⁴ *Goodman NAL* at ¶ 6.

⁵ See Answer To Notice Of Apparent Liability For Forfeiture dated October 12, 2004 ("Answer"); Request To Vacate, And Set Aside Apparent Liability for Forfeiture dated October 12, 2004.

of this claim, Mr. Goodman has submitted documentation and sworn affidavits demonstrating that he is currently unemployed, dependent on his brother for financial support, and lives on an income of less than \$500 per month, with monthly bills meeting or exceeding his income.

4. Based on our review of the financial documentation provided, we conclude that payment of the proposed forfeiture would impose financial hardship on Mr. Goodman. In view of Mr. Goodman's extreme financial distress, cancellation of the \$10,000 forfeiture assessment is warranted.⁶

IV. ORDERING CLAUSES

5. Accordingly, IT IS ORDERED that, pursuant to section 503(b) of the Communications Act of 1934, as amended, and sections 0.111, 0.311 and 1.80(f)(4) of the Rules,⁷ the forfeiture in the amount of ten thousand dollars (\$10,000) proposed in the September 14, 2004, *Notice of Apparent Liability for Forfeiture* issued to Milton Goodman IS CANCELLED.

6. IT IS FURTHER ORDERED that a copy of this Memorandum Opinion and Order shall be sent by First Class and Certified Mail Return Receipt Requested to Milton Goodman, 342 West 71st Street, New York, New York 10023.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

⁶ See *Thomas A. Brothers*, Memorandum Opinion and Order, 17 FCC Rcd 26125 (Enf. Bur. 2002); *Rainbow Honolulu Licensee of Station WPKK857*, Memorandum Opinion and Order, 19 FCC Rcd 17705 (Enf. Bur. 2004); *Renaissance Radio, Inc.*, Memorandum Opinion and Order, 19 FCC Rcd 10494 (Enf. Bur. 2004); *Pembina Emergency Services*, Memorandum Opinion and Order, 15 FCC Rcd 8467 (WTB 1999).

⁷ 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).